

**MINUTES**  
**SAN DIEGO COUNTY PLANNING COMMISSION**  
**Regular Meeting – July 14, 2006**  
**DPLU Hearing Room, 9:00 a.m.**

The meeting convened at 9:02 a.m., recessed at 10:15 a.m., reconvened at 10:35 a.m., recessed at 11:15 a.m., reconvened at 11:22 a.m., and adjourned at 12:20 p.m.

**A. ROLL CALL**

**Commissioners Present:** Beck, Brooks, Day, Kreitzer, Miller, Riess, Woods

**Commissioners Absent:** None

**Advisors Present:** Harron, Taylor (OCC); Sinsay (DPW)

**Staff Present:** Pryor, Farace, Hamilton, Maxson, Muto, Russell, Stevenson, Turner, Jones (recording secretary)

**B. Statement of Planning Commission's Proceedings, Approval of Minutes for the Meeting of June 30, 2006.**

**Action:** Riess – Beck

Approve the Minutes of June 30, 2006.

Ayes: 4 - Beck, Brooks, Day, Miller, Riess  
Noes: 0 - None  
Abstain: 1 - Miller  
Absent: 2 - Kreitzer, Woods

**C. Public Communication:** Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction but not an item on today's Agenda.

Pamela Nelson and Denise Hill discuss the impacts of allowing off-road vehicle riding as an accessory use in residential and agricultural zones, and informs the Planning Commission of Riverside County's ordinance governing where off-road vehicles can be operated. Staff will provide a written discussion on this issue and provide the Planning Commissioners with a copy of Riverside County's ordinance.

**D. Formation of Consent Calendar:** Items 3 and 7

**POD 06-002, Agenda Item 1:**

**1. Proposed Zoning Ordinance Amendment POD 06-002, Relating to Cargo Containers as Accessory Buildings (continued from May 19, 2006)**

**Proposed Zoning Ordinance Amendment to prohibit the use of cargo containers as accessory buildings in zones subject to a Residential Use Regulation, and to restrict the use of cargo containers as accessory buildings in zones subject to Agricultural and certain Special Purpose Use Regulations. The amendment includes an amortization schedule to bring existing legal cargo containers into compliance with the proposed regulations within two years of the effective date of the Ordinance. The amendment would also prohibit the use of cargo containers in the Julian Historic District, except for temporary construction use.**

**Staff Presentation:** Turner for Nagem

**Proponents:** 9; **Opponents:** 1

**Discussion:**

Following public testimony, much of which is supportive to the use of cargo containers and opposed to Staff's recommendations, it is recommended that the Planning Commission remove POD 06-002 from today's Agenda. Staff will conduct further research on this issue and reevaluate the recommendations. All interested parties will be notified when a new hearing date has been determined.

Prior to removing this Item from today's Agenda, Commissioner Woods recommends that Staff consider allowing the containers on properties at least four acres in size, rather than restricting them to 10 or more acres. Commissioners Beck and Kreitzer agree. Commissioner Riess believes Staff's proposed restrictions in agricultural zones are overly broad, and Commissioner Miller recommends that members of the cargo container industry be allowed to provide input on Staff's recommendations.

**PAA 06-007, Agenda Item 2:**

**2. Merrill Gardens Rancho San Diego Plan Amendment Authorization (PAA) 06-007, Valle de Oro Community Plan Area**

Requested change in land use designation to facilitate the development of an Independent Living/Assisted Living facility. The change would affect two parcels totaling 8.28 acres. The land is located in the (1.1) Current Urban Development Area (CUDA) Regional Land Use Category. The requested change would be from (24) Impact Sensitive (one dwelling unit per four, eight and 20 acres) to (10) Residential (24 dwelling units per acre), and a change in zoning from (S94) Transportation and Utility Corridor to (RU24) Urban Residential (24 dwelling units per acre). The Director of Planning and Land Use denied the application on April 20, 2006. Under Board of Supervisors Policy I-63, the applicant may present the request to the Planning Commission. The project site is located north of Campo Road and east of Via Mercado.

**Staff Presentation:** Stevenson, Farace

**Proponents:** 10; **Opponents:** 6

**Discussion:**

The Valle de Oro Planning Group chairman states his group is vehemently opposed to this request, and are puzzled at the applicant's willingness to violate the original agreement he made with the community's residents, the Planning Commission and the Board of Supervisors to not develop this parcel. The applicant's representative states time has passed; he now believes the property is not prime open space and is perfect for infill development. The applicant's representative informs the Planning Commission that the applicant is not attempting to avoid his open space commitment, and is willing to provide offsite open space to mitigate the loss of this parcel to development. The applicant's representative states there is an unmet need for senior housing in San Diego County, and he urges the Planning Commission to let the applicant proceed with the application.

Many of the community's residents are strongly opposed to this request, and insist that placing a three-story building at this location is inappropriate. They discuss the impacts that losing this open space will have on the community and the many wildlife species inhabiting the area. They voice astonishment and frustration that the applicant is so willing to break the agreement he made 12 years ago to not develop this parcel.

**PAA 06-007, Agenda Item 2:**

Staff informs the Commissioners that the property contains Coastal sage vegetation, willows, mulefat and a large stand of cactus, as well as small mammals and birds. The parcel is relatively undisturbed with the exception of the southwest corner, and there is a natural drainage area in the southeast corner that flows through the subdivision. With respect to open space connectivity, there is a narrow connection between two large areas which has value for wildlife movement. Unfortunately, the original Form of Decision did not specify that this parcel was to remain biological open space in perpetuity.

Most of the Planning Commissioners are familiar with this property, and many of them were Planning Commissioners when the initial project was presented. They remember the applicant's representatives emphatically stating this parcel would be preserved as open space.

Commissioners Beck and Riess disagree with the applicant's assessment of the value of this open space. They believe it is viable and do not support the proposed project. Commissioner Kreitzer reminds the applicant's representatives that their commitment to preserve the open space played a significant role in the Planning Commission's approval of the project.

Commissioner Beck is quite disappointed in the applicant's. He believes the proposed project would greatly impact wildlife movement. Commissioner Beck clarifies for the applicant how Staff and the Planning Commissioners reach the decisions they do on land use: the need for any project must always be reconciled with the needs of the community.

Commissioner Brooks notes that the applicant has expressed a willingness to purchase offsite open space as mitigation for the proposed project. The applicant's representative explains that the entire campus is approximately 125 acres. Of that, 25 acres were set aside for development. Approximately 30 acres of mitigation land were also purchased. In addition to that, 8.5 acres of the property to the east of the developed campus (Lot 2, the cemetery site) was set aside for open space.

Commissioner Miller informs the applicant that he finds it difficult to support the proposed project at this time. He is generally sympathetic to the needs of churches and the need for senior housing, but must take his fellow Commissioners' comments into consideration. Commissioner Miller believes the applicant acted prematurely by bringing this proposal forward without having resolving the open space commitments.

**PAA 06-007, Agenda Item 2:**

Chairman Day does not doubt the accuracy of the comments provided by his colleagues, the Planning Group chairman and community residents; however, he believes allowing the applicant to move forward with this proposal could actually be an opportunity to preserve the commitment for open space with higher-quality open space. He reminds everyone that the feasibility of the actual project will be determined when the development proposal is submitted for review.

Riess – Kreitzer

Recommend that the Board of Supervisors adopt Staff's recommendation to deny Plan Amendment Authorization (PAA) 06-007).

Ayes:	5 - Beck, Kreitzer, Miller, Riess, Woods
Noes:	2 - Day, Brooks
Abstain:	0 - None
Absent:	0 - None

**R05-009, Agenda Item 3:**

**3. Tiso Vineyards, Zone Reclassification R05-009, North Mountain Subregional Plan Area**

Proposed Zone Reclassification for two parcels from (S92) General Rural to A70, Limited Agriculture. The site totals 40.52 acres and is under active grape cultivation, with the associated structures and a single-family residence on each parcel. The land adjacent to the east of the project site is zoned A70, as is land adjacent to the north and south. A Zone Reclassification from S92 to A70 will result in two changes under permitted uses: Under S92, packing and processing as a wholesale limited winery is not permitted, but it is a permitted use in the A70 zone. In addition, the S92 permits law enforcement services, whereas A70 does not. The change in zoning will allow for the cultivation of grapes to remain and will allow for a wholesale limited winery, enabling the production of wine onsite. Currently, all grapes are shipped offsite for processing. The project sites are located at 35168 and 35288 Highway 79 in Warner Springs.

**Staff Presentation:** Hamilton

**Proponents:** 0; **Opponents:** 0

This Item is approved on consent.

**Action:** Beck – Riess

1. Find that the Planning Commission has reviewed and considered the information contained in the Negative Declaration dated April 20, 2006 prior to making its recommendation; and
2. Recommend that the Board of Supervisors adopt the Form of Ordinance changing the zoning classification for certain property in the North Mountain Subregional Plan Area, Zone Reclassification R05-009.

Ayes:	7 -	Beck, Brooks, Day, Kreitzer, Miller, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None

**TPM 20872, Agenda Item 4:**

**4. Frame Tentative Parcel Map (TPM) 20872, Fallbrook Community Plan Area**

**Proposed minor subdivision of 2.58 gross acres into two single-family parcels of 1.10 and 1.49 acres (gross). The property and surrounding area is classified as urban/developed and there is one existing single-family residence onsite. The project will include a driveway, pad and installation of a septic system. The project site is within the 1.3 Estate Development Area (EDA) Regional Category and (2) Residential Land Use Designation, allowing one dwelling unit per gross acre. The site is zoned A70 (Limited Agriculture) Use Regulation, and is located at 130 Orvil Way.**

**Staff Presentation:** Hamilton

**Proponents:** 1; **Opponents:** 2

**Discussion:**

Staff explains to the Commission that this Tentative Parcel Map was denied based on Board of Supervisors Policy I-84, which requires valid Service Availability forms for fire, water and school services. When preparing the Decision, it was noticed that the Fire Service Availability form had expired. A new form was requested and, rather than obtain it, the applicant photocopied the expired form and revised the date. Because of those actions, Staff recommends that the Planning Commission deny this application. The applicant has the right to submit a new application.

The applicant explains that the North County Fire Protection District representative was not available when the new form was requested and, believing Staff's request constituted an emergency, he revised the expired form. He informs the Planning Commission that he was not trying to deceive anyone, and an updated Fire Service Availability form has now been provided.

Neighboring property owners voice concerns about possible visual impacts if the Tentative Parcel Map is approved. They also inform the Commission that the applicant has already imported soil on the property for future construction. Rather than construct a two-story house, they recommend that the applicant instead reduce the size of the existing extremely large driveway. That would allow the applicant to increase the size of a one-story residence. The neighboring property owners also inform the Planning Commission that the applicant has never talked with any of them about his plans for the property.

**TPM 20872, Agenda Item 4:**

**Action:** Woods – Riess

**Discussion of the Action:**

Commissioner Beck states he will support the Motion. He agrees with Staff's that forging the document is no small act, and he is somewhat upset that had this not been exposed, the Commission's decision would have been based on false documentation.

Ayes:	6 -	Beck, Brooks, Kreitzer, Miller, Riess, Woods
Noes:	1 -	Day
Abstain:	0 -	None
Absent:	0 -	None



**SPA 04-001, P04-011, and  
RP 04-002, Agenda Item 5:**

**5. Channel Road Resource Extraction, Specific Plan Amendment (SPA) 04-001), Major Use Permit P04-011, and Reclamation Plan RP 04-002, Lakeside Community Plan Area**

The project site is a 22-acre parcel located north of the San Diego River and west of Channel Road at 10322 Channel Road in the RiverWay Specific Plan. Currently, the site includes a concrete batch plant, materials washing plant, retail yard for aggregate sales, equipment maintenance, retail sale of associated building materials and one single-family residence. Proposed is the extraction of available sand resources followed by backfilling with suitable quality fill to establish a nearly level pad that will be suitable for the construction of buildings and/or other uses consistent with the underlying land use designation. As phases are conducted, existing equipment on the site will be moved to an existing batch plant located at Highway 67 and Vigilante Road in Lakeside. Upon completion of all operations at the site, a nearly level pad will be available.

**Staff Presentation:** Muto

**Proponents:** 12; **Opponents:** 0

**Discussion:**

The applicant's representative supports Staff's recommendations, but voices concern about certain Conditions of Approval having to do with improvements and offers of dedication on Lakeside Avenue and Channel Road. Staff informs the Planning Commission that no improvements are being required on Channel Road, however, a narrow portion of Lakeside Avenue fronts the project site and the applicant is required to provide improvements (curbs, gutters and sidewalks) along the entire frontage of the property.

Representatives of the Lakeside Conservancy also voice support of Staff's recommendations, but remain concerned about the impacts of the required offer of dedication, possible speed limit increases on Channel Road, and possible impacts on the Hubbell monument. Staff clarifies that the Hubbell monument, located at Lakeside Avenue and Channel Road, will remain. Staff further clarifies that speed increases are not proposed for Channel Road, and the required offer of dedication is consistent with the ultimate buildout of Channel Road and Lakeside Avenue.

**SPA 04-001, P04-011, and  
RP 04-002, Agenda Item 5:**

**Motion:** Riess

Continue consideration of Specific Plan Amendment (SPA) 04-001, Major Use Permit P04-011 and Reclamation Plan (RP) 04-002 to allow resolution of the concerns raised by the applicant and members of the Lakeside Conservancy. This Motion dies due to lack of a Second. The applicant's representatives and members of the Lakeside Conservancy voice a lack of support for a continuance. Instead, they request that the Planning Commission approve the proposal as recommended by Staff, with the understanding that their concerns will be raised again when this project is presented to the Board of Supervisors.

**Action:** Woods – Brooks

Recommend that the Board of Supervisors approve SPA 04-001, Major Use Permit P04-011 and RP 04-002 as recommended by Staff.

Ayes:	6 - Brooks, Day, Kreitzer, Miller, Riess, Woods
Noes:	0 - None
Abstain:	0 - None
Absent:	1 - Beck

**TM 5312, Agenda Item 6:**

**6. Hoskings Ranch, Tentative Map (TM) 5312, Julian Community Plan Area**

This proposed Tentative Map on land subject to a Williamson Act contract is being brought forward with a recommendation for denial because Staff believes the proposal would result in residential development not incidental to commercial agriculture. Section 66474.4 of the Subdivision Map Act requires denial in these circumstances. The proposed Tentative Map would subdivide four existing lots totaling 1,416.5 acres of land into 33 lots ranging in size from 40 to 62.4 acres each. The site is located south and west of the intersection of State Route 78 and Pine Hills Road, one mile southwest of the Julian Town Center. The site is in the Environmentally Constrained Area of the General Plan with Land Use Designations of (19) Intensive Agriculture and (23) National Forest and State Park. The zoning is A72, General Agriculture, with minimum lot sizes of eight and 40 acres in the (19) and (23) Land Use Designations, respectively.

**Staff Presentation:** Muto

**Proponents:** 3; **Opponents:** 1

**Discussion:**

Staff informs the Planning Commissioners that the applicant has not been receptive to recommendations that he apply for a Zone Reclassification instead of a Tentative Map. Staff does not believe the proposed Tentative Map is for an agricultural subdivision as the applicant alleges; Staff believes it is clearly designed to accommodate future residential development. Staff reminds the Planning Commissioners that this area is proposed for 80-acre minimum lot sizes under GP 2020.

The applicant's representatives believe allowing 40-acre minimum lot sizes will assist in sustaining the County's agricultural uses by permitting such uses on smaller farms. They maintain that agricultural uses allow one residence per 40 acres, and insist that Staff's recommendation ignores County policies, the Subdivision Map Act and the Williamson Act. The applicant's representatives explain that Williamson Act contracts go with the land, and residential development will not occur during the life of the contract.

**SPA 04-001, P04-011, and**  
**RP 04-002, Agenda Item 5:**

The Planning Commissioners are somewhat skeptical of the applicant's reasons for preferring to file application for a Tentative Map rather than a Zone Reclassification.

**Action:** Beck – Kreitzer

Adopt the Resolution denying TM 5312.

Ayes:	5 -	Beck, Brooks, Kreitzer, Riess, Woods
Noes:	2 -	Day, Miller
Abstain:	0 -	None
Absent:	0 -	None

**GPA 04-005, R04-016,  
and TM 5383 Agenda Item 7:**

**7. Meadow Run, Proposed General Plan Amendment (GPA) 06-002, Item C: GPA 04-005, Zone Reclassification R04-015, and Tentative Map (TM) 5383, Lakeside Community Plan Area**

This project is the third project for the General Plan Amendment batch GPA 06-002. The first two projects were considered by the Planning Commission on June 30, 2006. This project consists of a Tentative Map (TM 5383) for the creation of 67 lots within 16.26 acres. The project site consists of two parcels: the northern two-acre parcel contains an existing single-family residence, and the remaining 14.26 acres is the site of an existing Group Care Facility. The southern portion of the project site includes a GPA 04-005, which would change the existing Land Use Designation from (5) Residential to (6) Residential, and Zone Reclassification (R04-016) to change the zoning from RS4 to RS7. These changes would increase density from 4.3 dwelling units per acre to 7.3 dwelling units per acre. The minimum lot size would change from 10,000 square-foot lots to 6,000 square feet. The subdivision of the property consists of seven lots with a 10,000 square-foot minimum and 60 lots with a 6,000 square-foot minimum lot size. The two-parcel project site is located east Los Ranchitos Road and north of Mast Boulevard.

**Staff Presentation:** Maxson

**Proponents:** 4; **Opponents:** 0

This Item is approved on consent.

**Action:** Beck – Riess

1. Find that the Planning Commission has reviewed and considered the information contained in the Negative Declaration dated June 30, 2006 prior to making its recommendation, and recommend that the Board of Supervisors:
  - a. Adopt the Resolution approving GPA 06-002, which makes the appropriate Findings and includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with State law and the County General Plan;
  - b. Adopt the Form of Ordinance changing the zoning classification of certain property in the Alpine, North County Metropolitan Subregional and Lakeside Community Plan Areas; and

**SPA 04-001, P04-011, and**  
**RP 04-002, Agenda Item 5:**

- c. Adopt the Resolution approving TM 5383RPL4, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in a manner consistent with the Subdivision Ordinance and State law.

Ayes: 7 - Beck, Brooks, Day, Kreitzer, Miller, Riess, Woods  
Noes: 0 - None  
Abstain: 0 - None  
Absent: 0 - None

**Administrative:**

**E. Report on actions of Planning Commission's Subcommittees:**

There were none.

**F. Designation of member to represent the Planning Commission at Board of Supervisors meeting(s):**

Next Board of Supervisors meeting: August 2, 2006.

**G. Discussion of correspondence received by the Planning Commission:**

There was none.

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**Department Report**

**H. Scheduled Meetings:**

July 28, 2006	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 11, 2006	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 25, 2006	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 8, 2006	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 22, 2006	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 6, 2006	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 20, 2006	Regular Meeting, 9:00 a.m., DPLU Hearing Room
November 3, 2006	Regular Meeting, 9:00 a.m., DPLU Hearing Room
November 17, 2006	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 1, 2006	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 15, 2006	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 29, 2006	Planning Commission Workshop, 9:00 a.m., DPLU Hearing Room

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**SPA 04-001, P04-011, and**  
**RP 04-002, Agenda Item 5:**

There being no further business to be considered at this time, the Chairman adjourned the meeting at 12:20 p.m. to 9:00 a.m. on July 28, 2006 in the DPLU Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California.